

Remarks

Applicants hereby elect, with traverse, original claims 1-71 and new claims 89-92, for prosecution on the merits. In addition, Applicants elect, with traverse, N-[3-{1-[(cyclopropylmethyl)amino]-4-hydroxy-2-oxo-1,2-dihydroquinolin-3-yl}-1,1-dioxido-4H-thieno[2,3-e][1,2,4]thiadiazin-7-yl)methyl]methanesulfonamide as a species for prosecution on the merits. This compound is recited in claim 58.

Claims 1-75 and 85-88 are pending, and new claims 89-92 have been added. By this amendment, Applicants have canceled, without prejudice or disclaimer, claims 76-84. Applicants have withdrawn, with traverse, claims 72-75 and 85-88. Applicants reserve the right to pursue the canceled and/or withdrawn claims in a divisional or continuation application(s).

Applicants have added claims 89-92. Claims 89-92 are supported at least by page 406-418 of the specification and original claims 1 and 25.

Applicants respectfully submit that claims 89-92 do not introduce new matter. Accordingly, entry of these claims is respectfully requested.

Restriction Requirement

On pages 2-3, the Office Action requires Applicants to elect one of the following groups of claims for prosecution on the merits:

- I. Claims 1-71, allegedly drawn to compounds/compositions of formula I;
- II. Claims 72-84, allegedly drawn to methods of treating infection caused by RNA-containing virus;
- III. Claims 85-86, allegedly drawn to methods of preparing compounds of formula I; and
- IV. Claims 87-88, allegedly drawn to compounds of formula IX.

Applicants hereby elect, with traverse, claims 1-71 for prosecution on the merits. Claims 89-92 depend from claim 1 or 25. Therefore, Applicants respectfully request the Examiner to also examine claims 89-92. Applicants reserve the right to pursue other claims in a divisional or continuation application(s).

MPEP 803 demands that “[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.” Without agreeing or disagreeing with the Examiner as to whether the claims of the present application

are directed to independent or distinct inventions, Applicants respectfully submit that the search and examination of all of these claims would not impose any serious burden upon the Examiner. For instance, all of the claims relate to anti-infective agents, their uses, manufacturing processes, intermediates or precursors. Therefore, the search and examination of these claims can be made without serious burden. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the restriction requirement.

In addition, Applicants respectfully submit that if the claims directed to compounds are found allowable, any withdrawn process claims that depend from or otherwise require all the limitations of the allowable compound claims shall be considered for rejoinder. *See MPEP 806.05(h).*

Election of Species

On pages 3-4, the Office Action requires Applicants to elect a single species for prosecution on the merits. Applicants hereby elect, with traverse, N-[3-{1-[(cyclopropylmethyl)amino]-4-hydroxy-2-oxo-1,2-dihydroquinolin-3-yl}-1,1-dioxido-4H-thieno[2,3-e][1,2,4]thiadiazin-7-yl)methyl]methanesulfonamide as a species for prosecution on the merits. This compound is recited in claim 58. Claims 1-2, 19-21, 25-28, 47-49, 58, 62-71, and 89-92 are readable upon the elected species.

As noted, MPEP 803 demands that “[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.” Without agreeing or disagreeing with the Examiner as to whether the present application claims independent or distinct species, Applicants respectfully submit that the search and examination of all of these species would not impose any serious burden upon the Examiner. For instance, all of the claimed compounds relate to anti-infective agents or their intermediates or precursors. Therefore, the search and examination of these compounds can be made without serious burden. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the requirement for species election.

In addition, Applicants respectfully submit that upon the allowance of a generic claim (such as claims 1-2, 19-21, 25-27, 47-49, 62-71 or 89-92), Applicants will be entitled to consideration of claims to non-elected species that depend from or otherwise require all the limitations of the allowable generic claim. *See MPEP 809.*

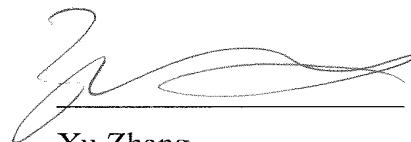
Conclusion

Favorable consideration and prompt allowance of the claims are earnestly solicited. Although Applicants believe that the fees paid herewith are correct, the Commissioner is hereby authorized to charge any payment deficiency or credit any overpayment to deposit account number 01-0025 referring to docket number 6998.US.O2.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative designated below.

Respectfully submitted,

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